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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/593,008	09/18/2006	David Libault	INVT04001	6978
72109 7590 07/22/2011 MYERS WOLIN, LLC 100 HEADQUARTERS PLAZA NORTH TOWER, 6TH FLOOR MORRISTOWN, NJ 07960-6834				
EXAMINER				
NGO, CHUONG A				
ART UNIT		PAPER NUMBER		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patent@myerswolins.com

Office Action Summary**Application No.**

10/593,008

Applicant(s)

LIBAULT ET AL.

Examiner

CHUONG A. NGO

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 May 2011.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is in response to the communication mailed on January 25, 2011 and applicant has submitted an Amendment, Filed on May 3, 2011.
2. Claims 1-26 are pending.

Response to Arguments

3. Applicant's arguments with respect to claims 1-2 filed on May 3, 2011 have been considered but they are not persuasive.

Applicant argues that Hunt does not recite the first interface (see REMARKS, Page 7/11, ¶ 4).

Examiner disagrees with Applicant's argument because Hunt does not have to call first interface base as long Hunt teaches first interface with same limitation as the claim cited "a first interface adapted to allow the IP access point to communication with point to point communication module". Hunt discuss the **virtual serial port** is exposed as a regular serial device on the operating system associated with electronic device, other system objects such as **TCP/IP**, or **Point to Point** Protocol (PPP) are able to interact with and use the virtual port. Therefore, Hunt teaches a first interface adapted to allow the IP access point to communication with point to point communication module (see Col. 10, Lines 11-19 and Col. 12, Lines 61-67, Fig. 5, 6).

Applicant argues that Hunt does not recite "said first interface is adapted to be controlled by the said electronic device by means of control instructions " (see REMARKS, Page 8/11, ¶ 2).

Examiner disagrees with Applicant's argument because this is known in the art the virtual port have to control by some kind of software. Hunt the interface device manages the creation and provides the software functionality for the virtual port as well as other multiple virtual ports located on electronic device (Col. 9, Lines 6-16, Fig. 5, "electronic device 500" and see Col. 11, Line 24-52, Fig. 7, 8).

Hunt directly or inherently teaches each limitation cited of claim 1, therefore all the depending claims are depended on claim 1 also rejected.

4. The examiner has updated the rejection to further clarify and has not changed the interpretation of the rejection.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-4, 6-8, 10-26 are rejected under 35 U.S.C. 102(e) as anticipated by US Patent 6760804 (hereinafter Hunt).

Consider claim 1, Hunt teaches local radio communication device (see Col. 12, Lines 54-60, Fig. 6, "FIG. 6 is a projection of a single virtual port as illustrated in FIG. 5 into an electronic device capable of supporting multiple virtual ports as illustrated in FIG. 6") comprising at least: one IP point of access adapted to communicate at least outwards from the network in IP mode (see Col. 12, Lines 61-67, Fig. 6, "TCP/IP application interface 650").

Hunt teaches a point-to-point communication module adapted to communicate at least with a terminal according to at least one point-to-point communication protocol (see Col. 12, Lines 61-67, Fig. 6, "DUN port 640 is associated with virtual port 645"), and

Hunt teaches a first interface adapted to allow the IP access point to communicate with the point-to-point communication module (see Col. 12, Lines 61-67, Fig. 6, "DUN port 640 is associated with virtual port 645"),

Hunt teaches wherein the first interface is adapted to be presented to an electronic device communicating in IP mode with the IP access point (see Col. 10, Lines 11-19 and Col. 12, Lines 61-67, Fig. 6, "TCP/IP application interface 650"), in the form of at least one virtual port (see Col. 13, Lines 3-9, Fig. 6, "the host port 610 is associated with virtual port 615; serial client port 620 is associated with virtual port 625; fax port 630 is associated with virtual port 635; DUN port 640 is associated with virtual port 645; and LAP port 660 is associated

with virtual port 6659") and the said first interface is adapted to be controlled by the said electronic device by means of control instructions (see Col. 9, Lines 6-16, Fig. 5, "electronic device 500" and see Col. 11, Line 24-52, Fig. 7, 8).

Consider claim 2, Hunt teaches wherein the point-to-point communication module is adapted to communicate with the terminal by a serial radio link (see Col. 9, Lines 17-25, Fig. 5, "the serial communication port 515 is of a selected Bluetooth profile").

Consider claim 3, Hunt teaches wherein the point-to-point communication module is adapted for communicating with the terminal according to the "BLUETOOTH" protocol by using a predefined serial port profile in the said "BLUETOOTH" protocol (see Col. 9, Lines 26-32, Fig. 5, "The Bluetooth profiles include but are not limited to profiles such as a serial host communication port, a serial client communication port").

Consider claim 4, Hunt teaches wherein the IP access point is connected to the Internet network (see Col. 9, Lines 26-32, Fig. 5, "local area network (LAN) access point (LAP) client communication port, and a Transmission Control Protocol/Internet Protocol interface").

Consider claim 6, Hunt teaches wherein the IP access point communicates with a local electronic device in IP mode (see Col. 9, Lines 26-32, Fig. 5, "local area network (LAN) access point (LAP) client communication port, and a Transmission Control Protocol/Internet Protocol interface").

Consider claim 7, Hunt teaches wherein the IP access point communicates in IP mode with the local electronic device by radio channels according to the standard IEEE 802.11 (see Col. 10, Lines 3-10, "the present invention can utilize other bus standards, such as Peripheral Communication Interconnect (PCI), Extended Industry Standard Architecture (EISA), or IEEE 802.11, IEEE 1394, etc").

Consider claim 8, Hunt teaches wherein the IP access point communicates in IP mode with the local electronic device by a link chosen between a USB link and an Ethernet link (see Col. 8, Lines 53-59, "the communication interface 480 is a serial communication port, but could also alternatively ... Ethernet, Universal Serial Bus (USB), Personal Computer Memory Card International Association (PCMCIA)").

Consider claim 10, Hunt teaches wherein the first interface is adapted to be presented to the electronic device communicating with the IP access point, in the form of several virtual serial ports corresponding respectively to several terminals adapted to communicate by radio with the point-to-point communication module (see Fig. 6, Block 650, "TCP/IP " and other blocks 610-640, 660).

Consider claim 11, Hunt teaches wherein the first interface is adapted to: Indicate, to an electronic device communicating with the IP access point, several terminals with which the said point-to-point communication module can communicate, and route the communications between the electronic device and the said terminals according to commands received from the said electronic

device communicating with the IP access point (see Col. 10, Lines 63-67 and Col. 11, Line 1-3, "the interface device is able to transmit outgoing data signals through its wireless radio device 570 to an appropriate remote electronic device and receive incoming data signals from remote devices through the same radio device 570 and route them to the proper virtual port").

Regarding claims 12-14 have limitations similar to those treated in the above rejection(s), and are met by the references as discussed claim above.

Consider claim 15, Hunt teaches wherein the point-to-point communication module communicates with the said terminal according to the "BLUETOOTH" protocol and is adapted to identify itself in "BLUETOOTH" mode like the said several devices (see Col. 4, Lines 45-65, Col. 5, Lines 1-14, "A Bluetooth system supports both point-to-point and point-to-multi-point connections").

Consider claim 16, Hunt teaches wherein the point-to-point communication module is adapted to be presented to the terminal at least like a printer, and to route the data to be printed, received from the terminal to a printer that communicates in EP mode with the IP access point (see Col. 5, Lines 13-29, "Devices 110-170 can be printers").

Regarding claim 17 has limitations similar to those treated in the above rejection(s), and are met by the references as discussed claim 16 above.

Regarding claim 18 has limitations similar to those treated in the above rejection(s), and are met by the references as discussed claim 6 above.

Regarding claims 19, 20 have limitations similar to those treated in the above rejection(s), and are met by the references as discussed claim 10 above.

Regarding claim 21, the claim limitation is taught by Hunt in (col. 4, lines 54-59, it is appreciated that the present invention may be utilized with devices and systems coupled using technologies and/or protocols different from Bluetooth, including but not limited to infrared communications links as defined by the Infrared Data Association (IrDA)). Therefore, the modification of Harrison and Hunt, as discussed above would have included the "IrDA is using OBEX protocol".

Regarding claim 22, the claim limitation is taught by Hunt in (col. 7, lines 41-46, the electronic device 300 also includes a data storage device 390 (e.g., a compact memory device such as a smart stick, flash memory, or a memory stick) coupled with the bus 208 for storing information and instructions. Data storage device 390 can be removable. See Fig. 3). Therefore, the modification of Harrison and Hunt, as discussed above would have included the "memory stick or removable data storage device".

Regarding claim 23, the claim limitation is taught by Hunt in (col. 11, lines 31-37, in step 720 of process 700, the present embodiment emulates a serial communication port that contains a UART. This allows the operating system of the electronic device containing the legacy application to recognize and initiate the virtual serial port. Additionally, this emulation allows for the transfer of data to and from the virtual serial port). Therefore, the modification of Harrison and

Hunt, as discussed above would have included the "transfer of data to and from the virtual serial port".

Regarding claim 24 has limitations similar to those treated in the above rejection(s), and are met by the references as discussed claim 4 above.

Regarding claim 25 has limitations similar to those treated in the above rejection(s), and are met by the references as discussed claim 10 above.

Regarding claim 26 has limitations similar to those treated in the above rejection(s), and are met by the references as discussed claim 9 above.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 5, 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6760804 (hereinafter Hunt) in view of US Patent Application Publication 20050030974 (hereinafter Wright).

Consider claim 5, Hunt disclose all the subject matters of the claimed invention concept. However, Hunt does not particularly disclose wherein the IP access point comprises an ADSL interface suitable for access to the Internet network. In an analogous field of endeavor, attention is directed to Wright, which teaches wherein the IP access point comprises an ADSL

interface suitable for access to the Internet network (see ¶ [0019], ¶ [0020],
“the ADSL modem 108 back to the Ethernet network 102”).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the Hunt disclosed invention, and have the IP access point comprises an ADSL interface suitable for access to the Internet network, as taught by Wright, thereby, to provide a method to extend the Ethernet traffic to remote location or remote domain, as discussed by Wright, (see ¶ [0002] - ¶ [0005]).

Consider claim 9 has limitations similar to those treated in the above rejection(s), and are met by the references as discussed above and in addition, see ¶ [0030], where Wright discusses “a virtual port pathway 406 between the switching portion 408 and the communications portion 410. These two communication portions correspond to integrated modems, such as DSL or cable modems”. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made is known access point during the opening of the said virtual serial link, and thus to control the said DSL/ADSL by the “AT” instructions. Also see Col. 11, Lines 4-15, where Hunt discusses dialup network or FAX.

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHUONG A. NGO whose telephone number is 571-270-7264. The examiner can normally be reached on Monday through Thursday 6:00AM to 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nick Corsaro can be reached on 571-272-7876. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/CHUONG A NGO/
Examiner, Art Unit 2617

/NICK CORSARO/
Supervisory Patent Examiner, Art Unit 2617